

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:18 CR 893 RWS-2
)	
JASON DANIEL FREEMAN,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The Court referred this matter to United States Magistrate Judge Patricia L. Cohen for a report and recommendation on pending motions pursuant to 28 U.S.C. § 636(b). On September 2, 2021, Judge Cohen filed her Report and Recommendation that defendant's motions to suppress [166 and 201] should be denied as meritless. [244].

Defendant objects to the Report and Recommendation [251], raising largely the raising the same arguments made in front of Judge Cohen. This Court has conducted a de novo review of all matters relative to defendant's motion and objections, including a review of the transcript of the evidentiary hearing held in person, at defendant's insistence, on April 13, 2021. [218]. After careful consideration, I will adopt and sustain Judge Cohen's thorough 32-page Report and

Recommendation and deny the motions to suppress for the reasons set out in the Report and Recommendation.

Although defendant disagrees with Judge Cohen's conclusions, I find that Judge Cohen correctly stated the relevant law and properly applied it to the facts of this case. To the extent defendant argues that Judge Cohen misconstrued or mischaracterized facts or arguments with respect to the suppression issues, the Court concludes that Judge Cohen correctly analyzed the issues presented by defendant in his motions. Defendant did not identify with particularity (as required) any statement made to Lincoln County police officers with respect to the February 2016 circumstances that he was trying to suppress, and he admitted at the April 13, 2021 hearing that no statement existed with respect to the October 2016 circumstances. Finally, defendant argues – without supporting evidence -- that relevant drug evidence seized from Moutier Avenue has been destroyed. If true, defendant may raise this argument during trial at the appropriate time but this allegation, standing alone, does not entitle defendant to relief on his motions to suppress at this time.

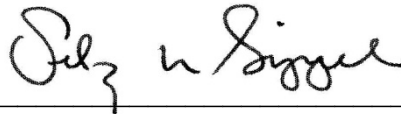
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on September 2, 2021 [244] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that defendant's objections to the Report and Recommendation [251] are overruled.

IT IS FURTHER ORDERED that defendant's Alden Street motion to suppress [166] is denied without prejudice as moot to the extent it was directed to the initial indictment and denied as meritless with respect to the superseding indictment.

IT IS FURTHER ORDERED that defendant's Moutier Avenue motion to suppress [201] is denied.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 12th day of October, 2021.